

**REMARKS**

At the time of the Office Action dated March 13, 2003, claims 1-16 were pending in this application. Of those claims, claims 15 and 16 have been rejected and claims 1-14 have been withdrawn from consideration pursuant to the provisions of 37 C.F.R. § 1.142(b). Claims 15 and 16 have been amended. Applicant submits that the present Amendment does not generate any new matter issue.

**Claims 15 and 16 are rejected under 35 U.S.C. § 103 for obviousness based on Shimada et al., U.S. Patent No. 5,852,485 (hereinafter Shimada), in view of Yih, U.S. Patent No. 3,866,313**

In the third enumerated paragraph of the Office Action, the Examiner concluded that one having ordinary skill in the art would have been motivated to modify the methodology of Shimada in view of Yih to arrive at the claimed invention. This rejection is respectfully traversed.

Initially, Applicant notes that claims 15 and 16 have been amended to clarify the limitations recited therein and to add the step of disposing a spacer on an irregular pattern. The present invention relates to an in-plane switching type liquid crystal display (LCD) in which black color is displayed under a state in which voltage is not applied. The fabricating process of forming the LCD includes the step of disposing a spacer in addition to a liquid crystal injecting step and a seal step. The step of disposing the spacer prevents unsatisfactory orientation that may occur around the spacer that undesirably affects contrast and clearness. However, Shimada or Yih, either alone or in combination, fail to teach or suggest these process steps.

Basic features of an in-plane switching type liquid crystal include a scan signal line, image signal line, a plurality of electrodes such as picture electrodes and an orientation controlling

membrane formed on a first substrate and a color filter, shading plate and an orientation controlling membrane formed on a second substrate. These features are both recited in claims 15 and 16.

However, Shimada or Yih, either alone or in combination, fail to teach or suggest all of these features. Applicant, therefore, respectfully solicits withdrawal of the imposed rejection of claims 15 and 16 under 35 U.S.C. § 103 for obviousness based Shimada in view of Yih.

Applicant has made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicant hereby respectfully requests reconsideration and prompt allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417, and please credit any excess fees to such deposit account.

Respectfully submitted,

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